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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,588	08/17/2001	James T. Pantaja	018167-003800US	5221

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/932,588

Applicant(s)

PANTTAJA ET AL.

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/09/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-21 have been examined. Application 09/932,588 (Redemption System for Award Redemption) has a filing date 08/17/2001.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-13 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelly et al (U.S. 6,015,344).

As per claim 1, Kelly teaches:

A method in a redemption system for determining which awards to redeem, the method comprising:

maintaining an award history database that includes award transaction information that describes awards earned by a consumer and, for each earned award, the type of award (see column 21, lines 60-63; figure 6b);

maintaining an encumbrance database that describes types of awards that cannot be redeemed at one or more suppliers (see column 5, lines 1-6; column 10, lines 64-67);

receiving a request to redeem an amount of the earned awards at a chosen supplier (see column 28, lines 39-64);

determining allowed awards that can be redeemed with the chosen supplier (see column 28, lines 39-63);

determining encumbrance levels of the allowed awards based on the types of allowed awards and the data in the encumbrance database (see figures 6b and 8a); and

determining which of the allowed awards to redeem based on the encumbrance levels (see figures 6b and 8a).

As per claim 2, Kelly teaches:

The method of claim 1 wherein determining which of the allowed awards to redeem is further based on expiration dates of the allowed awards (see column 53, lines 15-19).

As per claim 3, Kelly teaches:

The method of claim 1 wherein determining which of the allowed awards to redeem is further based on dates on which the allowed awards were earned (see column 11, lines 30-38).

As per claim 4, Kelly teaches:

The method of claim 1 wherein the type of award includes according to which promotion the award was earned (see column 11, lines 30-38).

As per claim 5, Kelly teaches:

The method of claim 1 wherein the type of award includes from which business the award was earned (see column 11, lines 30-38).

As per claim 7, Kelly teaches:

The method of claim 1 wherein the type of award indicates a classification of the award (see figure 6b).

Claim 8 contains the same limitations as claims 2 and 3 therefore the same rejection is applied.

Claim 9 contains the same limitations as claim 1 therefore the same rejection is applied.

Claim 10 contains the same limitations as claim 1 therefore the same rejection is applied.

Claim 11 contains the same limitations as claim 1 therefore the same rejection is applied.

Claim 12 contains the same limitations as claim 4 therefore the same rejection is applied.

Claim 13 contains the same limitations as claim 5 therefore the same rejection is applied.

Claim 15 contains the same limitations as claim 7 therefore the same rejection is applied.

Claim 16 contains the same limitations as claim 1 therefore the same rejection is applied.

Claim 17 contains the same limitations as claims 2 and 3 therefore the same rejection is applied.

Claim 18 contains the same limitations as claim 1 therefore the same rejection is applied.

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Claim 19 contains the same limitations as claims 2 and 3 therefore the same rejection is applied.

Claim 20 contains the same limitations as claim 1 therefore the same rejection is applied.

Claim 21 contains the same limitations as claim 1 therefore the same rejection is applied.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al (U.S. 6,015,344).

As per claim 6, Kelly does not expressly teach:

The method of claim 1 wherein the type of award indicates black-out dates on which the award cannot be redeemed. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that if the Kelly's award system indicates expiration dates after which the prize would not be redeemed, the Kelly's award system would also indicate black-out dates where prizes would also not be redeemed. This feature would be a business decision that would not patentably distinguish the claimed invention from the prior art.

Claim 14 contains the same limitations as claim 6 therefore the same rejection is applied.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Ikeda teaches an online shopping mall point service.

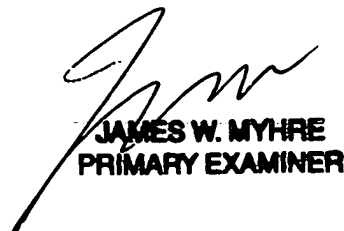
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra  
July 22, 2004



**JAMES W. MYHRE**  
**PRIMARY EXAMINER**